

RESOLUTION NO. A-_____

USE PERMIT NO. 05006

1 WHEREAS, Southview Inc. and Ridge Development have submitted an
2 application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as
3 Use Permit No. 05006 for authority to construct 130 townhome units in the O-3 Office Park
4 District, with requests to adjust required yard setbacks to 0', to reduce the roadway width from
5 27' to 24' for Fitzpatrick Lane, Shelford Lane, and Kirwin Drive, to adjust the minimum lot area
6 from 2,500 to 1,800 square feet, and to allow sanitary sewer to flow opposite street grades, on
7 property generally located northwest of the intersection of South 40th Street and Yankee Hill
8 Road, and legally described to wit:

9 Outlot G, Pine Lake Heights 7th Addition, Lincoln,
10 Lancaster County, Nebraska;

11 WHEREAS, the real property adjacent to the area included within the site plan for
12 this development of 130 dwelling units in the O-3 District will not be adversely affected; and

13 WHEREAS, said site plan together with the terms and conditions hereinafter set
14 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
15 promote the public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
17 Lincoln, Nebraska:

18 That the application of Southview Inc. and Ridge Development, hereinafter
19 referred to as "Permittee", to construct 130 townhome dwelling units, on the property legally
20 described above be and the same is hereby granted under the provisions of Section 27.27.080
21 of the Lincoln Municipal Code upon condition that construction and operation of said
22 development be in strict compliance with said application, the site plan, and the following
23 additional express terms, conditions, and requirements:

- 1 1. This approval permits 130 dwelling units and grants the following waivers:
 - 2 a. Required yard setbacks for buildable lots are reduced to 0';
 - 3 b. Private Roadway Design Standards are modified to reduce the required
 - 4 roadway width from 27' to 24' for Fitzpatrick Lane, Shelford Lane, and
 - 5 Kirwin Drive;
 - 6 c. The required minimum lot area is reduced from 2,500 to 1,800 square feet;
 - 7 and
 - 8 d. Sanitary Sewer Design Standards are modified to allow sanitary sewer to
 - 9 flow opposite street grades.
- 10 2. Before receiving building permits:
 - 11 a. The Permittee must submit 5 copies of a the final plan.
 - 12 b. The construction plans must conform to the approved plans.
 - 13 c. Final plats within the area of this Use Permit must be approved by the City.
- 14 3. Before occupying the dwelling units all development and construction must have
- 15 been completed in compliance with the approved plans.
- 16 4. All privately-owned improvements shall be permanently maintained by the
- 17 Permittee or an appropriately established homeowners association approved by the City
- 18 Attorney.
- 19 5. The site plan approved by this permit shall be the basis for all interpretations of
- 20 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
- 21 matters.
- 22 6. This resolution's terms, conditions, and requirements shall run with the land and
- 23 shall be binding on Permittee and its successors and assigns.
- 24 7. The Permittee shall sign and return the letter of acceptance to the City Clerk
- 25 within 30 days following the approval of the special permit, provided, however, said 30-day

- 1 period may be extended up to six months by administrative amendment. The clerk shall file a
- 2 copy of the resolution approving the special permit and the letter of acceptance with the
- 3 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor